

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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INDIANAPOLIS, INDIANA 46204-2764

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**VERIFIED PETITION OF THE BOARD OF)
COMMISSIONERS OF BOONE COUNTY,)
INDIANA, TO REVOKE THE CERTIFICATE)
OF TERRITORIAL AUTHORITY ISSUED TO)
BOONE COUNTY UTILITIES, LLC, A)
CONTINUATION OF THE COMMISSION'S)
INVESTIGATION INITIATED JUNE 5, 2003,)
PURSUANT TO I.C. 8-1-30 ET SEQ. AS SET)
FORTH IN THE COMMISSION'S ORDER)
OF JUNE 5, 2002, AND INTERIM ORDER)
OF MARCH 12, 2003)**

FILED

FEB 05 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42131

You are hereby notified that, on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

On February 2, 2004, the Indiana Office of Utility Consumer Counselor ("OUCC") filed its formal Request for Public Field Hearing in this matter. In support of its Request, the OUCC states that its Office has been contacted by ratepayers and interested parties, expressing interest and concern about the issues involved in this proceeding, and that a field hearing should be scheduled so that ratepayers and interested parties may have an opportunity to be heard and direct those opinions and concerns regarding the proposed sale of this public utility to the Commission.

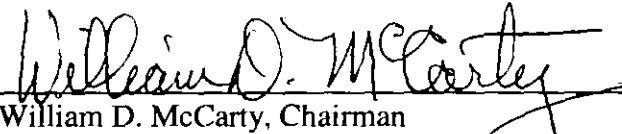
In this matter, the Commission is considering four offers to purchase Boone County Utilities ("BCU"). It is the task of the Commission to review those offers and determine which, if any, meet the statutory requirements pursuant to which the Commission would approve operation of the utility and transfer of the certificate of territory authority ("CTA") to provide sewage and water service in this rural area of Boone County, Indiana. The Commission will issue findings in a timely manner regarding the qualifications of the potential acquirers of BCU. A potential benefit of these findings could be to assist the United States Bankruptcy Court, Southern District of Indiana, Indianapolis Division, which Court will direct the sale of the utility and the distribution of proceeds thereof under its Cause No. 03-16707 AJM-11.

For its part, the Commission is required by State law to make written findings, setting forth its determination that the proposed purchaser meets all the criteria that the statute and the rules of the Commission have established to be required of such a purchaser, including but not limited to, the financial ability to install, commence, and maintain the utility's service, I.C. 8-1-2-89, provide reasonably adequate service and facilities as required by I.C. 8-1-2-4, is non-discriminatory, I.C. 8-1-2-69, I.C. 8-1-2-4, possess the necessary technical and managerial capacity, and meet the requirements as

to purchase for market value and provision of acceptable accounting procedures, I.C. 8-1.30 et seq., and, the impact on the public health and safety, and anticipated effects on customers and ratepayers within the CTA.

The Commissions' purpose is to consider the customers and ratepayers, and "...engage in utility regulation which serves the public interest by providing dependable and reliable utility services at the lowest possible rates. Its duties include regulating rates, finances, service territories and safety". Cusson-Cobb v. O'Lessker, et al, 953 F.2d 1079 (7th Cir. 1992). It is with the latter requirements that the field hearing requested by OUCC may be most helpful. Indiana Code 1-1.1-5.1 (a) provides in relevant part, "in all proceedings before the Commission, . . . and a court in which the Consumer Counselor shall appear, the Consumer Counselor shall have charge of the interest of the ratepayers and consumers of the utility . . .". It is useful to the Commission to hear firsthand the views of customers and affected ratepayers. Therefore, the Request for Public Field Hearing is granted, and a formal Field Hearing by the Commission will be conducted on Tuesday, February 17, 2004, at 6:00 p.m. local time, in the Zionsville Community High School, 1000 Mulberry Street, Zionsville, Indiana.

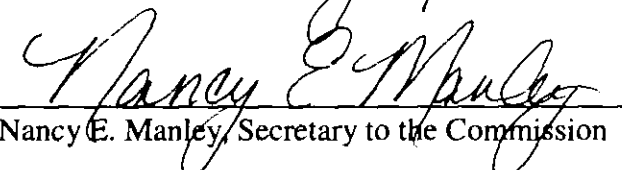
IT IS SO ORDERED.


William D. McCarty, Chairman


Judith G. Ripley, Commissioner


Thomas Cobb, Administrative Law Judge

Date: February 5, 2004


Nancy E. Manley, Secretary to the Commission